

of England. With reference to England, before the Union, Scotland, though not actually beyond the seas, was considered as beyond the seas, because out of the realm. The situation of England and Scotland before the Union was similar, or nearly so, to the actual situation of Pennsylvania and Maryland. The latter were separated by an ideal or mathematical line; the former were different realms or sovereignties governed by different laws. Scotland before the Union was beyond the seas in legal contemplation, although with England it was encompassed by the four seas; why?—because it was out of the realm of England. And the lessor of the plaintiff was held within the saving of the Statute; and see also *Murray v. Baker*, 3 Wheat. 541, and *Bank of Alexandria v. Dyer*, 14 Peters, 141, where it was held that the county of Alexandria was not beyond seas in relation to the county of Washington, they together constituting the territory of Columbia. All the authorities are collected and commented on in *Rackmaboze v. Mottichund*, 8 Moo. P. C. 4, where the Judicial Committee of the Privy Council announced the same conclusion, that the words in this Statute “beyond the seas” are in legal import and effect synonymous with the words “out of the territories” and “out of the realm.” The case is also authority that there can be no such thing as a constructive inhabitaney within the jurisdiction.

By Art. 57, sec. 7⁵⁷ of the Code, (1849, ch. 224,) it is provided, that whenever any person dies indebted, and his interest in real estate may be liable to be proceeded against for payment of his debts by reason of the insufficiency of his personal estate, the operation of this article, both at law and equity, shall be suspended as to his heirs and devisees for eighteen months from his death. As to real assets, therefore, eighteen months are taken out of the period of limitation. It was determined in *Shepherd v. Bevans*, 4 Md. Ch. Dec. 408, that the act was prospective only; and see *Thompson v. Dorsey*, *ibid.* 149.

IV. Abatement.—Where a party who had brought his action within the time died before judgment, by an equitable construction of this section the Courts permitted his executor, &c. to bring a new action within a year, or within a reasonable time after the death of the testator; and so if a *feme sole* brought an action within the time and married, she and her husband might bring a new action within the equity of the Statute; and *vice versa*, see *Mullikin v. Duvall*, 7 G. & J. 355. By the second Article of the Code⁵⁸ actions do not abate, but the executor, &c. may enter a suggestion of the death and that he is the legal representative of the de-

⁵⁷ Amended by the Act of 1876, ch. 58, which added the following: “and where any debts of such persons so dying indebted have been or may be paid by his executor or administrator and the real estate of such decedent is proceeded against for the payment of his debts, the operation of this article, both at law and in equity, shall be suspended in relation to the heirs and devisees of such deceased debtor as to the claims so paid until the lapse of eighteen months after the filing of said bill.” Code 1911, Art. 57, sec. 8; *Simms v. Lloyd*, 58 Md. 477; *Eirley v. Eirley*, 102 Md. 452.

⁵⁸ Code 1911, Art. 75, sec. 25 *et seq.* See note to 17 Car. 2, c. 8.